IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20814 of 2004

Between:

P.Radha Devi, w/o Subrahmanyam,
r/o H.No.3-11, High School Road, Ramavarappadu,
Vijayawada Rural Mandal, Krishna District.

..... PETITIONER

AND

Vijayawada, Guntur, Tenali, Mangalagiri Urban Development Authority, rep., by its Vice-Chairman, Vijayawada.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate order or direction more particularly one in nature of writ of mandamus declaring the action of demolition of the building of the petitioner admeasuring 600 sq.yards at Ward No.3 covered by Sy.No.126/1, Rajulabazar, Ramavarappadu Village, Krishna District as illegal and ultra vires to the provisions of Articles 14 and 300-A of the Constitution of India besides directing the respondent not to interfere with the constructions made at Ward No.3 in Sy.No.126/1, Rajulabazar, Ramavarappadu Village, Krishna District.

Counsel for the Petitioner:MR.P.R.PRASAD

Counsel for the Respondent: MR.P.M.GOPAL RAO

The Court, at the stage of admission, made the following :

ORDER

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondent. With the consent of both the counsel, the writ petition is disposed of at the stage of admission itself.

This Court in catena of decisions held that when a property of a citizen is required for the purpose of widening of the road, the authorities have to follow the due procedure for acquisition of the property and even if the property is encroached, necessary notices have to be issued to such encroachers intimating the action proposed for taking possession of the property. In view of the same, without following the due procedure the petitioner shall not be dispossessed from the property, which is in her possession.

With the above observation, the writ petition is disposed of. No costs.

A. GOPAL REDDY. J.

11th November, 2004

tsr.

To

1. The Vice-Chairman, Vijayawada,Vijayawada, Guntur, Tenali, Mangalagiri Urban Development Authority.

2. Two C.D. copies.